

**CITY ATTORNEY’S IMPARTIAL ANALYSIS OF MEASURE K
FIRE STATION CONSTRUCTION – SILVER CREEK LINEAR PARK**

The proposed measure, if approved, will permit the use of approximately one acre of the western-most portion of Silver Creek Linear Park for the construction of a fire station. Silver Creek Linear Park comprises approximately 53.8 acres along Yerba Buena Road and is bounded on the east and west by Silver Creek Road.

Under Section 1700 of the City Charter, “the public parks of the City shall be inalienable unless otherwise authorized by the affirmative votes of the majority of the electors voting on such a proposition in each case....” The purpose of this ballot measure is to obtain voter approval to locate a new fire station on a portion of a public park, thereby complying with this Charter section.

The proposed fire station construction is a project funded by Public Safety Bond funding, approved in Measure “O” by San Jose voters in March, 2002. The proposed location of the new fire station was selected upon analysis indicating that in comparison to other potential locations, it would provide better access to major thoroughfares and greater opportunities for efficient responses to emergencies, as well as meeting seismic and grading site requirements specific for a fire station.

The proposed location for the fire station is currently used as a trail with tree landscaping. As part of this fire station project, approximately 300 linear feet of the trail will be re-aligned around the fire station. Location of the new fire station in this area will not preclude recreational uses of other portions of the park nor will it prevent or impede access to existing park facilities.

If a majority of voters vote “yes” on the measure, the City will be able to convert one acre of the park area to public use as a fire station. If a majority of the voters vote “no” on the measure, then the City will not be able to construct a fire station on one acre of the area presently designated as Silver Creek Linear Park.

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